

**2009 DRAFTING REQUEST****Senate Amendment (SA-SSA3-SB25)**Received: **04/12/2010**Received By: **tkuczens**Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**By/Representing: **himself**

May Contact:

Drafter: **tkuczens**Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**Submit via email: **YES**Requester's email: **Sen.Grothman@legis.wisconsin.gov**Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Permit American Indian to support use of nickname, logo, mascot, team name, and to shift burden of proof

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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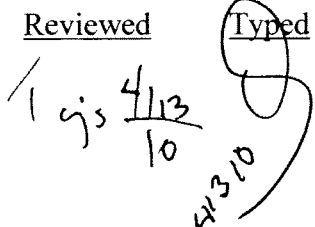
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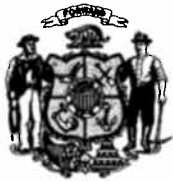
4/12/2010 T. conf. w/ Sen Grothman

Prepare a single amendment to SSA3 to SB25:

permit an American Indian who is a resident of the school district to file a written declaration in support of the use of an Am Indian nickname, team name etc. if the American Indian is of the same tribe as the tribe <sup>represented or named</sup> portrayed by the nickname, team name etc.

If written declaration filed, burden of proof at hearing shifts to the school district resident who filed the complaint.

- written declaration must be filed w/in 45 days.
- change # of days in which the state rep must schedule a hearing from 45 to 60.



State of Wisconsin  
2009 - 2010 LEGISLATURE

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 3,

TO 2009 SENATE BILL 25

4/13/2010

Now

finish

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 2, line 9: delete "45" and substitute "60". ✓
- 3 **2.** Page 3, line 6: after that line insert: ✓
- 4 **"(1r)** A person who satisfies all of the following may, no later than 45 days after
- 5 a complaint objecting to the use of an American Indian nickname, logo, mascot, or
- 6 team name is filed under sub. (1), submit to the state superintendent a written
- 7 declaration in support of the school board's use of the American Indian nickname,
- 8 logo, mascot, or team name that is the subject of the complaint:
- 9 (a) The person is a member of the American Indian tribe referred to, depicted,
- 10 portrayed, or named in the nickname, logo, mascot, or team name used by the school
- 11 board.

1 (b) The person is a school district resident.

2 (c) The person indicates in the written declaration that he or she does not  
3 believe that the school board's use of the nickname, logo, mascot, or team name  
4 promotes discrimination, pupil harassment, or stereotyping, as defined by the state  
5 superintendent by rule.”.

6 **3.** Page 3, line 7: delete “par. (b)” and substitute “pars. (b) and (c)”. ✓

7 **4.** Page 3, line 25: after that line insert:

8 “(c) If the state superintendent receives a written declaration as provided  
9 under sub. (1r) from a person who satisfies the requirements of that subsection, at  
10 the hearing, the school district resident who filed the complaint under sub. (1) has  
11 the burden of proving by clear and convincing evidence that the use of the nickname,  
12 logo, mascot, or team name promotes discrimination, pupil harassment, or  
13 stereotyping, as defined by the state superintendent by rule.”. ✓

14 (END)